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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,543	02/27/2004	Leo F. Schwab	GP-304148	9451

7590 11/18/2005

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EXAMINER

KENNEDY, JOSHUA T

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,543

Applicant(s)

SCHWAB, LEO F.

Examiner

Joshua T. Kennedy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-5, 7-14, and 16-20 have been examined. Claims 15-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/11/05.

Note: As to the cancelled claim 6, when a claim is cancelled, the text of the claim must be removed in the listing of claims of the amendment.

Claim Objections

Claims 5 and 11 are objected to because of the following informalities: In Line 1 and Line 2, respectively, "constructed of a" should be --constructed of--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-10, and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Roof et al (USPN 5,101,540).

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As to Claims 1-4, 7-10, and 12-14. Roof et al disclose a device for releasably fastening

a first component to a second component, comprising:

- a first component being a lamp assembly (22,26);

- a second component being bumper fascia (16);

- a device body including an upper arm (42) and a lower arm (50) connected by an intermediate arm (38);

- a first fastener being a return flange (40) defining a channel (Examiner considers to be defined by the area formed by surrounding walls 40, 42, and 38) between said return flange and said upper arm (42) extending from said device body and operable to attach said device body to the first component (Fig 6);

- a second fastener being an attachment arm (52) extending from said intermediate arm and defining a channel (Examiner considers to be defined by the inside walls of the attachment arm (52) and the bottom wall of the intermediate arm (38)) between said intermediate arm and said lower arm extending from said device body and adapted to attach said device to the second component (16),

- whereby when a force of greater than a predetermined amount is applied to the second component, said first fastener detaches from the first component without damaging the first component, and

- whereby when a force of less than a predetermined amount is applied to the second component, said first fastener remains attached to the first component.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roof et al as applied to claims 1-4, 7-10, and 12-14 above, and further in view of Schneider et al (US 5,363,537).

Roof et al disclose said device body significantly as claimed but do not disclose the device body being constructed of a one of an acetyl material, a polypropylene material, and a plastic material.

Schneider et al disclose a similar vehicle retaining clip "made of a springy or resilient material, preferably metal such as steel or plastic, which when deformed exerts forces in the opposite direction, tending to return the clip to its original shape" (Col 4, Lines 22-25). As a commercially available inexpensive plastic, acetyl and polypropylene, along with steel are well known materials for use in this art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to select a plastic material such as polypropylene or an acetyl material to be used because the selection of a known material based upon its suitability for the intended use has long been deemed to be a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,363,537 to Schneider et al and US 6,061,882 to Otte-Weise cited to show a similar plastic clamping/ clip device having multiple attachment elements.

US 5,740,640 to Yasuda and US 5,702,148 to Vaughan cited to show similar clips used for door molding in automobiles having multiple attachment elements.

US 6,502,974 to Chase et al, US 6,698,808 to Burkhardt et al, US 6,164,807 to Gerstner, US 5,448,454 to Nonaka, and US 5,975,729 to Dobler all cited to show similar lamp assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua T. Kennedy whose telephone number is (571) 272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTK
11/8/05

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is fluid and cursive, with a large initial "D" and "S".

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600